

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 510

Introduced by Assembly Member Ammiano

February 20, 2013

An act to ~~amend~~ *repeal and add* Section 84511 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as amended, Ammiano. Political Reform Act of 1974: advertisement disclosures.

The Political Reform Act of 1974 requires a committee that makes an expenditure of \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage, or defeat of a ballot measure to file a report, as specified, and to include in the advertisement a statement regarding payment of the individual by the committee or its donors.

~~This bill, in addition, would require a committee to comply with these requirements with regard to an expenditure of any amount to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage, or defeat of a ballot measure if the advertisement states or otherwise communicates that the individual is a practitioner or member of a profession having expertise or specialized knowledge relating to the subject of the measure.~~

~~Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.~~

~~This bill would impose a state-mandated local program by creating additional crimes.~~

This bill would impose additional requirements on a committee that makes an expenditure of any amount to an individual for his or her appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure and that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation. The bill would also require the committee to file a report that identifies, among other things, the individual's occupation. The bill would require the committee to include a specified disclosure statement in the advertisement indicating that the individuals are compensated spokespersons and not necessarily employed in the occupations portrayed. The bill would authorize a committee to petition the Fair Political Practices Commission for a waiver of the disclosure statement requirement, which the Commission would be required to grant if prescribed conditions are satisfied.

A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 84511 of the Government Code is~~
- 2 ~~amended to read:~~
- 3 ~~84511. (a) (1) A committee that makes an expenditure of five~~
- 4 ~~thousand dollars (\$5,000) or more to an individual for his or her~~
- 5 ~~appearance in an advertisement to support or oppose the~~

1 qualification, passage, or defeat of a ballot measure shall file a
2 report within 10 days of the expenditure.

3 (2) A committee that makes an expenditure of any amount to
4 an individual for his or her appearance in an advertisement to
5 support or oppose the qualification, passage, or defeat of a ballot
6 measure shall file a report within 10 days of the expenditure if the
7 advertisement states or otherwise communicates that the individual
8 is a practitioner or member of a profession having expertise or
9 specialized knowledge relating to the subject of the measure.

10 (b) A report required by subdivision (a) shall identify the
11 measure, the date of the expenditure, the name of the recipient,
12 and the amount expended.

13 (c) An advertisement for which a report is required by
14 subdivision (a) shall include the statement “(spokesperson’s name)
15 is being paid by this campaign or its donors” in highly visible
16 roman font shown continuously, if the advertisement consists of
17 printed or televised material, or spoken in a clearly audible format,
18 if the advertisement is a radio broadcast or telephone message.

19 *SECTION 1. Section 84511 of the Government Code is*
20 *repealed.*

21 84511. (a) A committee that makes an expenditure of five
22 thousand dollars (\$5,000) or more to an individual for his or her
23 appearance in an advertisement to support or oppose the
24 qualification, passage or defeat of a ballot measure shall file a
25 report within 10 days of the expenditure. The report shall identify
26 the measure, the date of the expenditure, the name of the recipient,
27 and the amount expended.

28 (b) The advertisement shall include the statement
29 “(spokesperson’s name) is being paid by this campaign or its
30 donors” in highly visible roman font shown continuously if the
31 advertisement consists of printed or televised material, or spoken
32 in a clearly audible format if the advertisement is a radio broadcast
33 or telephone message.

34 *SEC. 2. Section 84511 is added to the Government Code, to*
35 *read:*

36 84511. (a) *This section applies to a committee that does either*
37 *of the following:*

38 (1) *Makes an expenditure of five thousand dollars (\$5,000) or*
39 *more to an individual for his or her appearance in an*

1 advertisement that supports or opposes the qualification, passage,
2 or defeat of a ballot measure.

3 (2) Makes an expenditure of any amount to an individual for
4 his or her appearance in an advertisement that supports or opposes
5 the qualification, passage, or defeat of a ballot measure and that
6 states or suggests that the individual is a member of an occupation
7 that requires licensure, certification, or other specialized,
8 documented training as a prerequisite to engage in that occupation.

9 (b) A committee described in subdivision (a) shall file, within
10 10 days of the expenditure, a report that includes all of the
11 following:

12 (1) An identification of the measure that is the subject of the
13 advertisement.

14 (2) The date of the expenditure.

15 (3) The amount of the expenditure.

16 (4) The name of the recipient of the expenditure.

17 (5) For a committee described in paragraph (2) of subdivision
18 (a), the occupation of the recipient of the expenditure.

19 (c) An advertisement paid for by a committee described in
20 paragraph (1) of subdivision (a) shall include a disclosure
21 statement stating "(spokesperson's name) is being paid by this
22 campaign or its donors" in highly visible roman font shown
23 continuously if the advertisement consists of printed or televised
24 material, or spoken in a clearly audible format if the advertisement
25 is a radio broadcast or telephonic message.

26 (d) (1) An advertisement paid for by a committee described in
27 paragraph (2) of subdivision (a) shall include a disclosure
28 statement stating "Persons portraying members of an occupation
29 in this advertisement are compensated spokespersons not
30 necessarily employed in those occupations" in highly visible roman
31 font shown continuously if the advertisement consists of printed
32 or televised material, or spoken in a clearly audible format if the
33 advertisement is a radio broadcast or telephonic message.

34 (2) A committee may petition the Commission for a waiver of
35 the disclosure statement required by this subdivision. The
36 Commission shall grant the waiver if all of the following are
37 satisfied with respect to each individual identified in the report
38 filed pursuant to subdivision (b) for that advertisement:

39 (A) The occupation identified in the report is substantially
40 similar to the occupation portrayed in the advertisement.

1 (B) *The committee submits credible documentation of the*
2 *appropriate license, certification, or other training to the*
3 *Commission as evidence that the individual may engage in the*
4 *occupation identified in the report and portrayed in the*
5 *advertisement.*

6 ~~SEC. 2.~~

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 ~~SEC. 3.~~

17 SEC. 4. The Legislature finds and declares that this bill furthers
18 the purposes of the Political Reform Act of 1974 within the
19 meaning of subdivision (a) of Section 81012 of the Government
20 Code.